

From: Isabel Gomez [mailto:Isabel.Gomez@state.mn.us]
Sent: Friday, August 01, 2008 11:33 AM
To: Lenstra, Beth [LEGIS]
Subject: RE: Sentencing Subcommittee Follow Up Questions

Hi, Beth – It's nice that lowans will be at NASC, so that we can see each other in person and have follow-up conversations. Because of a state budget crunch, only the chair of the Minnesota Commission and I will attend.

Re your questions:

In Minnesota, people serve 2/3 of their pronounced sentence in prison (with credit for time served in jail) and 1/3 on supervised release, assuming they don't lose good-time, in which case they do more prison and less release time. The Department of Corrections has jurisdiction once offenders are committed to their custody. There are DOC staffers we still call parole agents, who supervise those on release status through local probation offices; DOC determines when offenders must return to prison for "technical" violations; new offenses are almost always charged and guilt determined. We have a clunky patchwork of probations delivery: in some rural counties, DOC provides all services for law-breakers, including for probationers not committed to prison; in some counties, including all of the most populated, there is state funding through the Community Corrections Act, with county management; in some counties, DOC provides all services for adult felons, while the county provides them for adult misdemeanants and juveniles.

MSGC is an agency independent of all three branches of government; once we determine our budget and it's funded, DOC manages all of our accounting (we pay bills and send them invoices; they send us a monthly budget statement), including payroll (we determine whom to hire at what level, enter staff hours bi-weekly, they manage vacation and sick leave accounts, as well as taxes and other deductions, and disburse pay from our account). We are funded by the Legislature along with other state agencies, in the biennial budget process. We present our budget requests to the House Public Safety Finance Committee and the Senate Public Safety Budget Committee. We provide reports to the Legislature, some routinely and others in response to specific assignments. Last year, they paid us to chair and staff a Collateral Sanctions Committee, whose assignment was outside of our sentencing expertise and data base. The Committee's two reports are on our website; this week, we learned that the main report, Criminal Records and Employment in Minnesota, won an award from the Conference of State Legislatures' research section for best legislatively-mandated report of 2007. We were absurdly thrilled, especially considering that we never knew such an award existed. We also can seek grants for research projects, such as a project on racial disparity that was delayed a whole year by the Collateral Sanctions work. See MSGC's enabling legislation, MSA 244.09. Given this strange setup, I'd say you can do anything you want to do.

I have meant to send a note re a comment Jack made about Blakely's impact on mandatory/presumptive guidelines during our phone meeting. I recollect his saying that, because of Blakely, mandatory guidelines are no longer functional. This is true of the federal guidelines, of course. But they had many qualities that made them uniquely problematical. Minnesota has had no problem responding to Blakely's requirements; and Kansas had anticipated where the Supreme Court might go and made itself Blakely-proof before the case even went up. To my knowledge, the federal system is the only one whose mandatory sentences were completely invalidated; Jack may know of others, however.

See you in SF.